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REMARKS

The finality of the Restriction Requirement has been noted.

Claims 1-4 and 21 as well as claims 22 and 23 were rejected under 35 U.S.C. §103(a) as being unpatentable over Anthony et al. (Anthony) in view of Clough et al. (Clough).

Reconsideration is requested.

Anthony discloses a compound having two phenyl rings connected by an oxy alkyl group for use in controlling insect, mites or nematodes.. However these compounds are distinctly different from the compounds embraced by Formula I of claim 1 of the present application because the substituents on the phenoxy ring (i.e. when A<sup>1</sup> is O) which is opposite the phenyl ring bearing the core structure are not taught or suggested by Anthony. The secondary reference, Clough teaches a compound where the substituents on the phenoxy ring opposite the phenyl ring bearing the core structure may be two halogens or one halogen and one alkyl but does not teach that at least two halogens are to be present on that ring and no alkyl group, in accordance with Claim 1 and new Claim 24.


Attached to this Amendment is a Declaration by Isabella Venturini, the named inventor in the present application. That Declaration reports the results of the testing of various compounds according to the present invention with compounds made according to Anthony and Clough. The tests show that the three compounds made according to the Anthony patent were inferior in acaracidal activity to 16 of the compounds according to the invention. In addition compound 197 of Table 1 of Clough was made and tested and was found to be inferior to any compounds according to the present invention that were made and tested. The test data in the Venturini Declaration rebuts any case of prima facie obviousness that has been gleaned from the prior art after a review of the applicant's specification. Based on the teachings of the prior art, it is not seen how one skilled in the art would be directed to make the compounds defined by the amended claims. It should be noted that there is no direction in the cited references to combine a reference disclosing a compound having fungicidal activity with a reference disclosing a compound

having insecticidal, miticidal or nematocidal activity. Since the cited references do not reveal a cogent reason to support the combination of references, it is not seen where the motivation to combine the references arises apart from the applicant's disclosure.

Claim 1 has been amended to limit the definition of Z to  $-\text{OCH}_3$  and claim 5 has been amended to delete the claims where Z is other than  $-\text{OCH}_3$ . The Examiner indicated that compound No. 142 would be allowable and new claim 25 has been added to point out this compound as allowable subject matter. New claim 24 has been added to point out the compound of claim 1 with the modification that Y is only  $-\text{OCH}_3$ . This claim is patentable over the prior art for the same reasons that are set forth above in response to rejection of claims 1-4. Claims 22 and 23 are also patentable over the cited references for the reasons set forth above as they are based on new and unobvious compounds..

An early and favorable action is earnestly solicited.

Respectfully submitted,

  
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